



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,120	07/18/2003	Luke K. Liang	Vision 105P	4462

7590 03/21/2007
Thomas A. O'Rourke
Bodner & O'Rourke, LLP
425 Broadhollow Road
Melville, NY 11747

EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
----------	--------------

3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/623,120

Applicant(s)

LIANG ET AL.

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,9 and 14-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,9 and 14-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Art Unit: 3634

It should first be noted that all amendments to the claims should include markings indicating the changes to the claims. A clean copy of the claims is no longer required and should not be included in any subsequent replies.

Drawings

The drawing correction filed July 5, 2005, March 20, 2006 and February 8, 2007 have been approved.

Specification

The disclosure is objected to because of the following informalities: the description of figure 2 on line 6 of page 6 is inaccurate since figure 2 shows a cross sectional view of the invention, the description of figure 6 on line 11 of page 6 is inaccurate since figure 1 does not show a side of the invention.

Appropriate correction is required.

Claim Objections

Claims 2, 16 and 21 are objected to because all of the limitations set forth therein have been set forth in the claim from which each of the claims 2, 16 and 21 depend. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1-4, 9 and 14-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "said front and rear wall" on line 5 of claim 1 are grammatically awkward and confusing. Recitations such as "the top" on line 6 of claim 1 render the claims indefinite because they lack antecedent basis. Recitations such as "is used for" on line 13 of claim 1 render the claims indefinite because it unclear if the applicant is setting forth that the spring biases the tumbler or is merely intended to bias the tumbler. Recitations such as "wherein said first position allows" on line 14 of claim 1 render the claims indefinite because it is unclear how a position can allow movement of the tumbler. Recitations such as "a second" on line 15 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is the applicant referring to a second position and what element of the invention has the second characteristic to which the applicant is referring? Recitations such as "said second position confines said tumbler in said retracted position" on lines 15-16 of claim 1 render the claims indefinite because it is unclear how a position can confine the tumbler and because it is unclear how the second position always confines the tumbler in the retracted position. It appears that the release member is only capable of confining the tumbler when the tumbler is in the retracted position. Therefore, the claims should be amended to include the position of the tumbler when referring to the release member confining the tumbler. Recitations such as "a first base and a second

Art Unit: 3634

base end and a head" on lines 16-17 of claim 1 are confusing since it is unclear if the head part of the list of elements that the release member has or is in addition to the list of elements. Additionally, it is unclear if the applicant intended to recite a first base end and a second base end. Recitations such as "in the form of inverted 'U'" on line 17 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is the applicant setting forth that the head has an inverted U shape or merely has the appearance of an inverted U shape. Recitations such as "when pressed . . . to said first position" on lines 20-21 of claim 1 render the claims indefinite because it is unclear how pushing the button can cause the release member to move from the second position to the first position when the release member is already in the first position. Recitations such as "causing said tumbler to be in said extended position" on lines 21-22 of claim 1 render the claims indefinite because it is unclear how the button can cause the tumbler to move. Additionally, it is unclear how pushing the button can cause the tumbler to move the extended position if the tumbler is already in the extended position. On line 2 of claim 14, it is suggested the applicant change "where in" to --wherein-- to avoid confusion. Recitations such as "said sidewall" on line 3 of claim 14 render the claims indefinite because it is unclear to which of the plurality of sidewalls set forth above the applicant is referring. Recitations such as "the sides" on line 15 of claim 15 render the claims indefinite because it is unclear if the applicant is referring to the sidewalls set forth above or is attempting to set forth another element of the invention in addition to the sidewalls set forth above. Recitations such as

Art Unit: 3634

"the maximum said extended position" on lines 15-16 of claim 15 render the claims indefinite because it is unclear what the applicant is attempting to set forth.

Allowable Subject Matter

Claims 1-4, 9 and 14-29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


THIS ACTION IS NOT MADE FINAL

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
March 19, 2007